

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of the Petition of)

HUGHES COMMUNICATIONS)
GALAXY, INC.)

RM No. 8638

To Amend Parts 2, 25 and 90)
of the Commission's Rules To)
Allocate Spectrum for the Fixed)
Satellite Service)

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To: The Commission

STATEMENT IN SUPPORT
OF PETITION FOR RULEMAKING

International Private Satellite Partners, Ltd., d/b/a Orion Atlantic (hereafter "Orion Atlantic"), pursuant to Sections 1.4 and 1.405 of the Commission's Rules and in accordance with the Public Notice, Report No. 2070, released May 3, 1995, hereby files its statement in support of the Petition for Rulemaking ("Petition") filed on March 21, 1995, by Hughes Communications Galaxy, Inc. ("HCG"). In support, the following is shown:

1. In its Petition, HCG requested the Commission to amend the Table of Frequency Allocations in Section 2.106 of the Commission's Rules and to amend the service rules contained in Sections 25.202, 25.204, and 90.103, to allow the co-primary use of 250 MHz of spectrum in the 13.75-14.01 GHz band for international FSS uplinks. Orion Atlantic has an interest in this proposed allocation because it presently operates an international FSS satellite system in the transatlantic region

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utilizing a satellite at 37.5 degrees W.L. and is planning to inaugurate international service on additional satellites in the future.^{1/}

2. Orion Atlantic agrees with HCG that the proposed allocation of the 13.75-14.0 GHz band for use by international FSS uplinks will correct the present imbalance between the amount of the uplink and downlink frequencies now available for international FSS use. It will also implement the Final Acts of the 1992 World Administrative Radio Conference ("WARC-92 Final Acts") and will promote the public interest by increasing the utilization of the spectrum resource and furthering the competitiveness of U.S. satellite operators in providing separate international satellite services.^{2/}

3. As HCG pointed out in its Petition, there is an imbalance between the amount of FSS frequencies available for uplinks and those available for downlinks.^{3/} Making available the additional 250 MHz of spectrum at the 13.75-14.0 GHz band would help alleviate this imbalance by allocating additional frequencies for international FSS uplinks which can be paired

1/ See, e.g., Application of Orion Atlantic, File No. CSS-91-099-LA.

2/ See HGC Petition at 2.

3/ HGC Petition at 2-3; see also, Inquiry Relating to Preparation for the International Telecommunication Union World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum, 6 FCC Rcd 3900, 3911 (1991) ("WARC-92 Inquiry").

with frequencies in the 10.95-11.2 GHz and 11.45-11.7 GHz downlink bands.

4. As explained in detail in the HCG Petition, this proposed action will cause the U.S. Table of Allocations to be in conformity with the international Table of Allocations adopted in the Final Acts of WARC-92.^{4/} In this regard, Orion Atlantic agrees that the Commission's allocation should be subject to the same technical restrictions set forth in the relevant footnotes (855A and 855B) in the international Radio Regulations, and also subject to the additional limitation urged by the National Telecommunications and Information Administration (NTIA) that the use of the band be for international service only.^{5/}

5. Finally, Orion Atlantic is in complete agreement with HCG's position that the requested allocation will advance the efficient use of the frequency spectrum and allow U.S. satellite operators to compete more effectively in the provision of private international satellite services.

For all of the foregoing reasons, Orion Atlantic urges the Commission to grant HCG's Petition and initiate a rulemaking

^{4/} International Telecommunication Union, Final Acts of the World Administration Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC-92), Resolution No. 112, at 204 (1992).

^{5/} See HGC Petition at 5.

proceeding looking toward amendment of the Table of Allocations to allow the use of the 13.75-14.0 GHz band on a co-primary basis for international FSS uplinks.

Respectfully submitted,

INTERNATIONAL PRIVATE SATELLITE
PARTNERS, LTD.

("ORION ATLANTIC")

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Dated: June 2, 1995

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of June, 1995, caused copies of the forgoing "Statement in Support of Petition for Rulemaking" to be served by first class mail, postage prepaid to the following:

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